

07-20-01

A/Box/Seq

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Small Entity)**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
18810-821520Total Pages in this Submission  
47**TO THE ASSISTANT COMMISSIONER FOR PATENTS**Box Patent Application  
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**GENETIC MARKER TEST FOR LUPUS**

and invented by:

Betty P. Tsao, Rita M. Cantor, and Jerome I. Rotter

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No.: 09/280,181

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.:

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.:

Enclosed are:

**Application Elements**

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 35 pages and including the following:
  - a. ☒ Descriptive Title of the Invention
  - b. ☒ Cross References to Related Applications (if applicable)
  - c. ☐ Statement Regarding Federally-sponsored Research/Development (if applicable)
  - d. ☐ Reference to Microfiche Appendix (if applicable)
  - e. ☒ Background of the Invention
  - f. ☒ Brief Summary of the Invention
  - g. ☒ Brief Description of the Drawings (if drawings filed)
  - h. ☒ Detailed Description
  - i. ☒ Claim(s) as Classified Below
  - j. ☒ Abstract of the Disclosure

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**Application Elements (Continued)**

3. ☒ Drawing(s) *(when necessary as prescribed by 35 USC 113)*
- a. ☒ Formal      b. ☐ Informal      Number of Sheets 1
4. ☐ Oath or Declaration
- a. ☐ Newly executed *(original or copy)*      ☐ Unexecuted
- b. ☐ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*
- c. ☐ With Power of Attorney      ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference *(usable if Box 4b is checked)*  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied  
under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby  
incorporated by reference therein.
6. ☐ Computer Program in Microfiche
7. ☒ Genetic Sequence Submission *(if applicable, all must be included)*
- a. ☒ Paper Copy
- b. ☒ Computer Readable Copy
- c. ☒ Statement Verifying Identical Paper and Computer Readable Copy

**Accompanying Application Parts**

8. ☐ Assignment Papers *(cover sheet & documents)*
9. ☐ 37 CFR 3.73(b) Statement *(when there is an assignee)*
10. ☐ English Translation Document *(if applicable)*
11. ☐ Information Disclosure Statement/PTO-1449      ☐ Copies of IDS Citations
12. ☐ Preliminary Amendment
13. ☒ Acknowledgment postcard
14. ☒ Certificate of Mailing
- ☐ First Class      ☒ Express Mail *(Specify Label No.):* EL 900 688 258 US

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**Accompanying Application Parts (Continued)**

15. ☐ Certified Copy of Priority Document(s) *(if foreign priority is claimed)*
16. ☒ Small Entity Statement(s) - Specify Number of Statements Submitted: Small Entity Asserted
17. ☐ Additional Enclosures *(please identify below):*

**Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)**

8. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

**Warning**

***An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.***

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**(Small Entity)**

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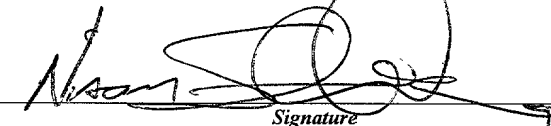
**Fee Calculation and Transmittal**

**CLAIMS AS FILED**

| For   | #Filed | #Allowed | #Extra | Rate      | Fee      |
|---|--------|----------|--------|-----------|----------|
| <b>Total Claims</b>   | 0      | - 20 =   | 0      | x \$9.00  | \$0.00   |
| <b>Indep. Claims</b>  | 3      | - 3 =    | 0      | x \$40.00 | \$0.00   |
| <b>Multiple Dependent Claims (check if applicable)</b> <input type="checkbox"/> |        |          |        |           | \$0.00   |
| <b>BASIC FEE</b>  |        |          |        |           | \$355.00 |
| <b>OTHER FEE (specify purpose)</b> _____  |        |          |        |           | \$0.00   |
| <b>TOTAL FILING FEE</b>   |        |          |        |           | \$355.00 |

- ☐ A check in the amount of \_\_\_\_\_ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. **50-1597** as described below. A duplicate copy of this sheet is enclosed.
- ☒ Charge the amount of **\$355.00** as filing fee.
  - ☒ Credit any overpayment.
  - ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
  - ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: **July 18, 2001**

  
Signature

**Nisan A. Steinberg, Ph.D.**  
**Registration No. 40,345**  
**SIDLEY AUSTIN BROWN & WOOD**  
**555 West Fifth Street**  
**Los Angeles, CA 90013-1010**  
**Ofc: 213/896-6665**  
**Fax: 213/896-6600**

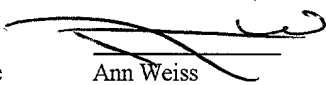
CC:

July 18, 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Betty P. Tsao, Rita M. Cantor, and Jerome I. Rotter  
Serial No. Unassigned  
Filed: July 18, 2001  
For: **GENETIC MARKER TEST FOR LUPUS**  
Examiner: Unassigned

Unit: --

| CERTIFICATE OF EXPRESS MAILING  |   |                   |
|---|---|-------------------|
| <small>I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE AND LABEL INDICATED BELOW AND IS ADDRESSED TO BOX PATENT APPLICATION, THE ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D. C. 20231--</small> |   |                   |
| July 18, 2001   |  | EL 900 688 258 US |
| Date of Deposit and Signature   | Ann Weiss   | Express Label No. |

**DECLARATION UNDER 37 C.F.R. § 1.821 (f) and (g)**

**BOX PATENT APPLICATION**

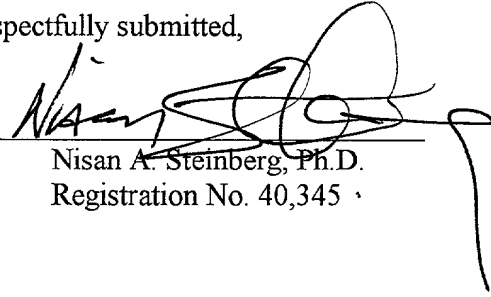
Assistant Commissioner for Patents  
Washington, D. C. 20231

Dear Sir or Madam:

I, Nisan A. Steinberg, Ph.D., hereby state, as required by 37 C.F.R. § 1.821(f), that the contents of the paper copy of the enclosed sequence listing, submitted herewith, and of the computer readable copy, submitted on September 29, 2000, which are submitted in accordance with 37 C.F.R. § 1.821(c) and (e), respectively, are to the best of my knowledge, the same, and are the same as the sequences disclosed in the application as filed.

I hereby also state, as required by 37 C.F.R. § 1.821(g), that to the best of my knowledge, the enclosed submission includes no new matter.

Respectfully submitted,

By:   
Nisan A. Steinberg, Ph.D.  
Registration No. 40,345

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